

Appl. No. 10/733,560
Docket No. AA554C
Amdt. dated 29 November 2007
Reply to Office Action mailed on July 31, 2007
Customer No. 27752

REMARKS

Specification

The Specification has been amended to include a CROSS REFERENCE TO RELATED APPLICATIONS section. Support for the amendment is found in the Application Data Sheet and PCT/US02/17993. The Application Data Sheet lists the present application (AA554C) as a continuation of PCT/US02/17993, and PCT/US02/17993 lists a priority claim to provisional application 60/297,735.

Claim Status

Claims 1-2 and 5-10 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to include the following language:

“product recommendation device...” Support of the amendment is found in the Specification on page 5, line 34;

“and information about the situation which is experienced by the user...” Support for the amendment is found in originally filed claim 1, and in the Specification on page 7, lines 3 to 7;

“processing the information using the product recommendation device...” Support for the amendment is found in the Specification on page 6, lines 2 to 4;

“providing output in the form of a selection of at least one disposable absorbent incontinence article from a database of predetermined disposable absorbent incontinence articles based on the information processed by the product recommendation device...” Support for the amendment is found in the Specification on page 7, lines 8 and 9.

Claim 2 has been amended to include the following language:

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“providing output in the form of a selection of at least one disposable absorbent incontinence article...” Support for the amendment is found in the Specification on page 7, lines 8 and 9;

“providing output in the form of a selection of [a combination of two] disposable absorbent incontinence [articles, based on the information] inputted” Support for the amendment is found in the Specification on page 7, lines 8 and 9.

Claims 5 to 9 have been amended to change their dependence from claim 4 to claim 1.

Claim 10 has been amended to repair a typographical error by replacing “faecal” with “fecal.”

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 5-9 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The dependency of claims 5 to 9 has been changed from claim 4 to claim 1. Applicants believe this change to claims 5 to 9 overcomes the 35 U.S.C. §112 rejection.

Rejection Under 35 U.S.C. §101

Claims 1-2 and 5-10 have been rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

The Office Action alleges that method claim 1: (1) does not recite any electrical, chemical, or mechanical acts or results, typical in traditional process claims; (2) the claim does not require any machine or apparatus to perform the recited steps; and, (3) finally,

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the claim does not provide any physical transformation of an article to a different state or thing, nor does it require any transformation of data or signals. However, "...a process claim [in] compliance with Section 101 requires some kind of transformation or reduction of subject matter." *See in re Schrader*, 22 F.3d 295, 30 U.S.P.Q.2d 1459.

Furthermore, the Office Action states claim 1 (4) does not provide any indication [as to] who or what is performing the steps of: indicating a question; selecting at least one article; and recommending at least one article. Accordingly, the claim is so broad that it is directed to the abstract idea itself, rather than its practical implementation. So as claim 1 is directed to the abstract idea itself, does not require any machine or apparatus to perform the recited steps, and does not require implementing a mathematical formula or algorithm to transform data, the information recited in the claim does not represent a real world activity.

This rejection is respectfully traversed. Applicants reference amended claim 1 in response to the 35 U.S.C. §101 points of rejection (1-4) listed in the Office Action: (1) the claim states the following mechanical and electrical acts of - inputting information, processing the information, and providing output; (2) the claim states the use of the following apparatuses - information is inputted into a product recommendation device, processing the information using the product recommendation device, and providing output in the form of a selection of at least one disposable absorbent incontinence article from a database; (3) the claim transforms data or signals, in that information about incontinence devices and information about the situation experienced by the user is processed by the product recommendation device into output in the form of a selection of at least one disposable absorbent incontinence article from a database; (4) the claim indicates what is performing the steps - the answers to the questions are inputted into the product recommendation device, and the product recommendation device provides output in the form of a selection of at least one disposable article from a database.

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As such it is Applicants' belief that the claimed invention does have a practical implementation as set forth above, and that the 35 U.S.C. §101 rejection should be withdrawn.

Rejection Under 35 U.S.C. §103(a) Over Hisanaka et al. (U.S. 2002/0096182) in view of Teagarden et al. (U.S. 6,014,631) and further in view of Snitkin (U.S. 2003/0046111)

Claims 1, 2 and 5-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hisanaka et al. (U.S. 2002/0096182) in view of Teagarden et al. (U.S. 6,014,631) and further in view of Snitkin (U.S. 2003/0046111). This rejection is respectfully traversed.

Applicants respectfully submit that Hisanaka et al. and Snitkin are not proper prior art references, as the present application antedates both references. The present application has a priority date of 12 June 2001 that predates the U.S. filing date of Hisanaka et al. (22 June 2001) and the priority date of Snitkin (31 August 2001). Therefore the only remaining prior art reference is Teagarden et al. And as the Office Action states on page 8, 3rd paragraph Teagarden does not teach that said product is an absorbent product.

As such, Applicants respectfully submit that claims 1, 2 and 5-10 are not obvious in view of Teagarden et al.


Conclusion

In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

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Respectfully submitted,

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